

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**ANTHONY MORANGELLI, et al., individually and
on behalf of all others similarly situated,
Plaintiffs,**

-against-

**CHEMED CORPORATION and ROTO-ROOTER
SERVICES COMPANY,**

Defendants.

1:10-CV-00876 (BMC)

DECLARATION OF CAROL RICHMAN

In accordance with the provisions of 28 U.S.C. § 1746, I, Carol Richman, hereby make this declaration.

1. I am over eighteen years of age and am competent to give this Declaration, which is based upon my personal knowledge.
2. I am an attorney associated with Getman & Sweeney, PLLC.
3. I make this declaration to place certain exhibits before the Court.
4. Attached, as Plaintiffs' Exhibit N (Rec. Doc No. 17-11), is an example of Weekly Drivers Reports.
5. Attached, as Plaintiffs' Exhibit O, are excerpts from the deposition transcript of Stephen Poppe.
6. Attached, as Plaintiffs' Exhibit P, are excerpts from the Employee Handbook (revised date 2/2009).
7. Attached, as Plaintiffs' Exhibit Q, are excerpts from the deposition transcript of Gary Sander.

8. Attached, as Plaintiffs' Exhibit R, are examples of Detailed Listing of Time and Preliminary Driver's Report with time stamps.

9. Attached, as Plaintiffs' Exhibit S are excerpts from the Roto-Rooter Operations Manual.

It should be noted that Plaintiffs had requested Roto-Rooter's policy documents in their initial discovery demand dated April 22, 2010. Plaintiffs also discussed the production of policy documents in a letter to Defendants on Sept 8, 2010, following a meet and confer, and again in an October 25, 2010 letter discussing unproduced documents. Nevertheless, Rooter-Roto did not produce the Operations Manual until November 17, 2010, two days after Plaintiffs filed their Motion for Class Certification.

10. Attached, as Plaintiffs' Appendix 1, are excerpts from the deposition testimony of Plaintiffs (in three parts)

11. Attached, as Plaintiffs' Appendix 2, is a summary of relevant state deduction laws.

Dated: February 14, 2011

By: /s/ Carol Richman

Carol Richman (CR 1256)